THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25978 OF 2005

Dt.12.12.2005

Between:

The Advocates Mutually Aided Co-operative
Society Ltd., Hyderabad, rep. by its President,
M.Dushyanth Reddy … Petitioner

And

The Sub Registrar, Medchal, Ranga Reddy
District and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Stamps and Registration on behalf of the respondents.

The petitioner submits that its Society was registered in the year 1999 with the object to improve the economic and social betterment and welfare of the members through the activities of the society in general and promote and protect the interests of the advocates in particular through mutual aid, thrift and self help in accordance with the principle of co-operation as enunciated in Section 3 of the Act. In order to allot house site for its members, the petitioner purchased land to an extent of Ac.10.01 guntas in Sy.Nos.43/2, 43/3, 43/4, 43/5, 43/6 and 43/7 situated at Muneerabad Village, Medchal Mandal, Ranga Reddy District vide separate agreement of sale-cum-G.P.A documents and got the same registered in the year 2002 with the

Sub Registrar, Medchal and possession was also taken and mutation in the revenue records has also been taken place. It is further stated that out of extent of Ac.10.01 guntas, Ac.7.16 has sought to be acquired and accordingly the Project Director, Outer Ring Road and Special Collector (L.A), HUDA, Hyderabad, issued notification under Section 4(1) of the Land Acquisition Act, 1894 published in the Andhra pradesh Gazette Extraordinary, Hyderabad dated 16.4.2005.

Admittedly, the said notification goes to show that Section 5-A enquiry has not been dispensed with. It is stated that though the name of the petitioner Society has been entered in the revenue records as possessors, but the title has not been passed. Therefore, to get the title over the said land, the petitioner presented sale deeds, but the first respondent refused to register the same on the ground that the petitioner is inflating the land value with a view to claim higher compensation.

I am of the opinion that the sale deeds executed subsequent to 4(1) notification cannot constitute a ground seeking higher value for the acquired lands and as per law whatever guidelines prescribed as on the date of the notification alone will be taken into consideration. The petitioner submits that there is no prohibition either under the Land Acquisition Act or under the Registration Act for refusing registration of sale deeds and the petitioner is bound by the notification issued under the Land Acquisition Act and also the proceedings that may take place from time to time.

Having regard to the facts and circumstances of the case, the respondents are directed to entertain the sale deeds as and when presented by the petitioner in respect of the said lands, in question, and register the same in accordance with law. If any sale deed is not liable to be registered and if there is any prohibition in accordance with law, the same may be communicated to the petitioner.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

12.12.2005

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